

Ind. Code § 36-7-4-1106

Section 36-7-4-1106 - [Effective Until 7/1/2023] Miscellaneous provisions; comprehensive plans and ordinances; standards and requirements; manufactured homes; aesthetic standards for certain manufactured homes

(a) This section does not affect a requirement applicable to property that is subject to the jurisdiction of a preservation commission organized under any of the following:

(1) IC 36-7-11.

(2) IC 36-7-11.1.

(3) IC 36-7-11.2.

(4) IC 36-7-11.3.

(b) As used in this section:

(1) "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

(2) "Underfloor space" means that space between the bottom of the floor joists and the earth.

(3) "Occupied space" means the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

(4) "Permanent foundation system" includes a pier footing foundation system that is specified as suitable in the manufacturer's installation specifications for a manufactured home.

(c) Comprehensive plans and ordinances adopted under the provisions of this chapter may subject dwelling units and lots to identical standards and requirements, whether or not the dwelling unit to be placed on a lot is a manufactured home or some other type of dwelling unit. These standards and requirements may include but are not limited to the following:

(1) Setback distance.

(2) Side and rear yard area.

(3) Vehicle parking space.

(4) Minimum square footage of the dwelling unit.

(5) Underfloor space enclosure requirements.

(6) Aesthetics. However, aesthetic standards and requirements pertaining to the home structure itself which are adopted under this section may only pertain to the following:

(A) Roofing materials and siding materials.

(B) Permanent foundation systems of manufactured homes that are located outside of a mobile home community licensed under IC 16-41-27. A unit may require compatibility of a permanent foundation system with surrounding residential structures. However, the unit may not require:

(i) a permanent foundation system that is incompatible with the structural design of the manufactured home; or

(ii) more than one (1) permanent foundation system for a manufactured home.

(d) METRO. Standards and requirements, specified in comprehensive plans and ordinances, adopted under this section for lots and dwelling units may not totally preclude all manufactured homes constructed after January 1, 1981, and that exceed twenty-three (23) feet in width and nine hundred fifty (950) square feet of occupied space, from being installed as permanent residences on any lot on which any other type of dwelling unit may be placed.

(e) ADVISORY-AREA. Standards and requirements, specified in comprehensive plans and ordinances, adopted under this section for lots and dwelling units may not totally preclude all manufactured homes constructed after January 1, 1981, and that exceed nine hundred fifty (950) square feet of occupied space, from being installed as permanent residences on any lot on which any other type of dwelling unit may be placed.

IC 36-7-4-1106

Amended by P.L. 168-2020, SEC. 20, eff. 2/17/2021.

As added by Acts 1981, P.L. 312, SEC. 1. Amended by Acts 1982, P.L. 33, SEC. 32.

This section is set out more than once due to postponed, multiple, or conflicting amendments.
